

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

Chris Shinn, Michael Lopez, Preslea
Worrell, Bianca Tagle, Patrick Cox,
Brian Demgen, Audrey Parisi, Kevin
Reynolds, Brooke Shaffer, and Kraig
Linville Individually, and on behalf of all
others similarly situated under 29 USC
216(b)

Plaintiffs,

v.

Civil No. 5:17-cv-00099-C

Las Brisas Steaks Lubbock, Ltd., Las
Brisas, Inc., and Kendall Howard

Defendants.

JOINT STIPULATION OF DISMISSAL AND
JOINT MOTION TO APPROVE FORM OF FINAL JUDGMENT

Chris Shinn, Michael Lopez, Preslea Worrell, Bianca Tagle, Patrick Cox, Brian Demgen, Audrey Parisi, Kevin Reynolds, Brooke Shaffer, Kraig Linville, William Cole, and Scott Johnston (collectively, "Plaintiffs") and Las Brisas Steaks Lubbock, Ltd., Las Brisas, Inc., and Kendall Howard (collectively, "Defendants") file this JOINT STIPULATION OF DISMISSAL AND JOINT MOTION TO APPROVE FORM OF FINAL JUDGMENT and respectfully show the Court as follows:

A.STIPULATION OF DISMISSAL

Plaintiffs and Defendants file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. Plaintiffs and Defendants file this Joint Stipulation of Dismissal with Prejudice and further stipulate that all costs shall be borne by the party incurring same.

2. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

3. This case was never certified or conditionally certified as a collective action.

4. A receiver has not been appointed in this case.

5. This case is not governed by any federal statute that requires a court order for dismissal of the case, but the parties hereby request entry of Final Judgment in the form of the Final Judgment submitted herewith.

6. No previous case has been previously dismissed by Plaintiffs that was based on or including the same claims and parties as those presented in this case.

7. This dismissal is WITH PREJUDICE.

A. JOINT MOTION FOR ENTRY OF FINAL JUDGMENT

1. Plaintiffs and Defendants respectfully request that the Court approve and enter Final Judgment, DISMISSING WITH PREJUDICE all claims brought by

Plaintiffs and that all costs of Court under 28 U.S.C. § 1920 be borne, as agreed by the Parties, by the party incurring same.

2. The Parties respectfully request the Court to grant this Motion and enter the Final Judgment submitted herewith.

Respectfully submitted,

By: /s/ Drew N. Herrmann

Drew N. Herrmann
Texas Bar No. 24086523
drew@herrmannlaw.com
Pamela G. Herrmann
Texas Bar No. 24104030
pamela@herrmannlaw.com

HERRMANN LAW, PLLC
801 Cherry St., Suite 2365
Fort Worth, TX 76102
(817) 479-9229 – telephone
(817) 887-1878 – fax
ATTORNEYS FOR PLAINTIFFS

By: 

Robert N. Nebb
rnebb@carperlaw.com
Michael H. Carper
Law Office of Michael H. Carper, P.C.
1102 Main Street
Lubbock, Texas 79401
(806) 747-3016 telephone
(806) 747-8411 facsimile
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on July 2, 2018 a true and correct copy of the above document will be served on all counsel of record/pro se parties as follows:

Robert N. Nebb
rnebb@carperlaw.com

Via CM/ECF

Michael H. Carper
Law Office of Michael H. Carper, P.C.
1102 Main Street
Lubbock, Texas 79401

/s/ Drew N. Herrmann

Drew N. Herrmann